

**Accident—Counties—County Commissioners—Industrial Accident Board.**

Mandamus is the proper proceeding to compel the payment of assessments for industrial accident insurance by the counties where they fail and refuse to pay the same, and should be brought against the County Clerk and the Board of County Commissioners.

J. G. Locke, Esq.,  
Chairman Industrial Accident Board,  
Helena, Montana.

My dear Mr. Locke:

You have requested my opinion as to the proper procedure to compel the County Commissioners of Blaine county to pay their assessments for industrial insurance required to be paid by Section 2840, R. C. M. 1921.

The above section provides that any sums necessary to be paid under the provisions of the act by any public corporation shall be considered to be ordinary and necessary expenditures of such cor-

poration and the governing body of such public corporation shall make appropriation of and pay such sums into the accident or administration fund notwithstanding the fact that such governing body may have failed to anticipate such expenses in their budget.

Section 9848, R. C. M. 1921, provides the remedy of mandamus to compel the performance of an act which the law specifically enjoins as a duty resulting from an office, trust or station.

It is, therefore, my opinion that the facts presented in your letter bring the case within the above section and authorize mandamus proceedings against the County Clerk and Board of County Commissioners of Blaine county to compel them to perform the acts in question.

Very truly yours,

WELLINGTON D. RANKIN,  
Attorney General.